

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WENDY J. PAULUK, *et al.*,

Plaintiffs,

v.

CLARK COUNTY HEALTH DISTRICT,

Defendant.

2:07-cv-01681-PMP -VCF

O R D E R

Before the court is the action of *Wendy J. Pauluk, et al. v. Clark County Health District*, (Case No. 2:07-cv-01681-PMP -VCF).

Pro se plaintiff Dr. Pauluk filed a motion to compel production of decedent's tissues on March 16, 2011. (#71). On April 4, 2011, plaintiff Dr. Pauluk filed a motion to stay the action due to her "chronic medical condition." (#73). The court granted the stay on April 7, 2011, and stayed the action until further order from the court. (#74). Defendant Clark County Health District filed an opposition to the motion to compel on April 12, 2011. (#75). Plaintiff's reply was due on April 22, 2011. *Id.* In light of the stay, plaintiff Dr. Pauluk did not file a reply in support of her motion to compel. The court held a status conference on February 2, 2012, regarding the stay of the action and the status of plaintiff Dr. Pauluk's medical condition. (#87).

During the status conference, the court held that plaintiff Estate of Daniel Pauluk must retain counsel¹, and that on or before April 2, 2012, counsel for the Estate shall enter an appearance in this action. *Id.* The court also held that the Estate's counsel and any non-represented plaintiffs shall meet with defense counsel on or before May 2, 2012, to set a discovery plan and scheduling order. *Id.* In

¹ Estates may not proceed *pro se* in Federal Court, and must be represented by counsel. *Simon v. Hartford Life and Accident Ins. Co.*, 546 F.3d 661, 664-65 (9th Cir.2008) (holding that "courts have routinely adhered to the general rule prohibiting pro se plaintiffs from pursuing claims on behalf of others in a representative capacity.")

1 addition to the rulings made during the status conference, the court hereby orders the Estate's counsel
2 and any non-represented plaintiffs to file a reply in support of the motion to compel (#71) within thirty
3 (30) days from the Estate's counsel entering an appearance in this action.

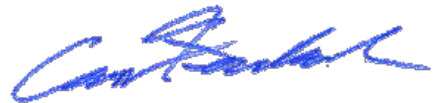
4 Accordingly, and for good cause shown,

5 IT IS ORDERED that counsel for plaintiff Estate of Daniel Pauluk shall enter an appearance in
6 this action on or before April 2, 2012. Failure to retain counsel will result in the court issuing an order
7 to show cause as to why the court shouldn't recommend that the action be dismissed for failure to
8 prosecute.

9 IT IS FURTHER ORDERED that counsel for the Estate and any non-represented plaintiffs shall
10 meet with defense counsel on or before May 2, 2012, to set a discovery plan and scheduling order.

11 IT IS FURTHER ORDERED that counsel for the Estate and any non-represented plaintiffs shall
12 file a reply in support of the motion to compel (#71) within thirty (30) days from the Estate's counsel
13 entering an appearance in this action.

14 DATED this 2nd day of February, 2012.

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17 **CAM FERENBACH**
18 **UNITED STATES MAGISTRATE JUDGE**